



ELECTION NEWS

A special informational bulletin
on the implementation of
Michigan election law.

Michigan Department of State - Terri Lynn Land, Secretary of State

Issue No. 58

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Materials Needed to Administer May 6 Election
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The following article outlines the election materials needed for the administration of the May 6 election which are available through the Department of State's Bureau of Elections.

It merits note that the Department of State's Bureau of Elections is not responsible for supplying election seals for the administration of the May 6 election. If election seals are needed for the election, they must be ordered through a commercial vendor. (The Bureau is responsible for supplying election seals for state and federal elections only.)

Election materials which can be ordered from the Bureau: The following materials can be ordered through the Michigan Department of State's Bureau of Elections. An order form is included with this newsletter for your convenience.

- A. Voter information posters:** A minimum of two copies of the poster must be placed on display in each polling place. The poster complies with the requirements provided under MCL 168.668a as amended under PA 96 of 2004. (The voter information poster prepared for the May 6 election can also be printed from the Bureau's website as explained below.)
- B. Audio version of voter information (cassette tape):** An audio version of the voter information must be available in each polling place. (The audio version of the voter information used during the 2006 election cycle can be used for the May 6 election.)
- C. Braille version of voter information:** A Braille version of the voter information poster must be available in each polling place. (The Braille voter information displays used during the 2006 election cycle can be used for the May 6 election.)

Election materials which are available on the Bureau's website: The following materials needed to administer the upcoming May 6 election can be accessed on the Department of State's website www.michigan.gov/sos. To locate the information, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

- A. Voter information posters:** As noted above, a minimum of two copies of the poster must be placed on display in each polling place. The voter information posters can be printed from the Bureau's website. (Legal sized paper is needed to print the poster.)
- B. Provisional balloting materials:** Every polling place must be supplied with the materials needed to administer Michigan's provisional balloting process. The following materials can be accessed through the website: the "Four Step Procedure Form," the notices needed for distribution to voters who are issued a provisional "envelope" ballot, the "Procedure for Handling 'Envelope' Ballots Returned to Clerk's Office," and the "Provisional Ballot Report Form."
- C. Michigan voter identification implementation materials:** Every polling place must be supplied with the materials needed to administer Michigan's voter identification requirement. The following materials can be accessed through the website: Instructions for implementing Michigan's voter identification requirement, "Affidavit of Voter Not In Possession of Photo ID" (English and Spanish), informational notice for voters (English and Spanish) and voter processing flow charts.
- D. AutoMARK Voter Assist Terminal materials:** The following materials are available: "Accessible Voting Signage," "AutoMARK Election Inspector Guide," "AutoMARK Program Testing Procedures," "Sample Public Accuracy Test Notice," "Voting System Preparation Certificate," 10-minute instructional video and "AutoMARK Troubleshooting Guide."

Declaration of Intent Filing Deadline for May 6 Election Elapses on April 25

PA 87 of 2006, signed into law on April 2, 2006, moved the Declaration of Intent filing deadline to 4:00 p.m. on the second Friday before the election. Consequently, any candidate who wishes to seek an office on the May 6 election ballot with write-in votes must file a Declaration of Intent with the filing official for the office no later than 4:00 p.m. on Friday, April 25.

It merits note that the amendment did not alter the waiver which is invoked in the event of the death or disqualification of a candidate on the ballot. As before, if a candidate who appears on the ballot dies or is disqualified on or after the Wednesday immediately preceding the election, all write-in votes cast under the race involved count – including those cast for individuals who did not file a Declaration of Intent form. In the case of the May 6 election, the waiver would be invoked if a candidate on the ballot dies or is disqualified on or after April 30.

Issuing Absent Voter Ballots for May 6 Election to Voters Outside U.S.: A Reminder

Michigan election law stipulates that an absent voter ballot request sent to a city, township or village clerk by a uniformed services voter outside of the United States or a civilian voter outside of the United States must be honored for every election conducted in the applicant's city of residence or township and village of residence (if any) through the balance of the calendar year – including all school district elections.

Given the above, all county, city and township clerks who will be involved in administering the upcoming May 6 election are reminded that an absent voter ballot for the election must be mailed to all uniformed services voters outside of the United States and all civilian voters outside of the United States who submitted an absent voter ballot request anytime after December 31, 2007. Here, it merits emphasis that all uniformed services voters outside of the United States and all civilian voters outside of the United States who received an absent voter ballot for the January 15, 2008 presidential primary are automatically eligible to receive an absent voter ballot for the May 6 election.

Post-Election Notices and Certifications Related to May 6 Election

Certificate of Election and Acceptance of Office: Within five business days after the certification of a school board election, the school district's "election coordinator" is required to issue a "Certificate of Election" to each elected candidate. Within 10 business days after the issuance of the certificate, the newly elected candidate is required to file an "Acceptance of Office" with the secretary of the school board. The secretary of the school board is required to

forward a copy of the “Acceptance of Office” to the school district’s election coordinator. (MCL 168.308 as added under PA 302 of 2003; MCL 168.309 as added under PA 288 of 2004)

Oath of Office: Before entering upon the duties of his or her office, an elected school board member must take and file the oath provided in Article XI, Section 1, of the State Constitution. (MCL 168.310(1) as added under PA 302 of 2003) The oath is filed with the secretary of the school board.

Post-Election CFR Compliance Statement: Any candidate elected to office on the state, county or local level is required to file an affidavit prior to assuming office which states that at the date the affidavit was executed, all statements, reports, late filing fees and fines required of the candidate or any Candidate Committee organized to support the candidate’s election under Michigan’s Campaign Finance Act have been filed or paid.

- The affidavit is not required of an elected candidate who 1) is exempt from the filing requirements of Michigan’s Campaign Finance Act or 2) did not receive or expend more than \$1,000.00 during the election cycle.
- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit the affidavit to the filing official designated to receive the elected candidate’s campaign finance disclosure filings. Thus, an elected candidate who is required to file his or her campaign finance disclosure filings on the county level must file his or her Post-Election Campaign Finance Compliance Statement on the county level.
- The statement which appears on the Post-Election Campaign Finance Compliance Statement form was recently reformatted for greater clarity. The old version of the form can be used until your supplies are exhausted. Candidates who file the old version of the form do not have to refile. The revised version of the form can be accessed through the Department of State’s website www.michigan.gov/sos. (Click on “Elections in Michigan.” On the Elections in Michigan page, click on “Publications and Forms.”)
- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by “fine of up to \$500.00 or imprisonment for up to 93 days, or both.”
- Candidates participating in the May 6 election who have any questions regarding their compliance status under Michigan’s Campaign Finance Act should be directed to the county clerk responsible for accepting the candidate’s campaign finance disclosure filings.

Upcoming Candidate Filing Deadlines on County/Local Level
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**By 4:00 p.m.,
April 29**

Candidates seeking Probate Court judgeships file nominating petitions, Affidavit of Identity and Affidavit of Constitutional Qualification for the August primary. Filing submitted to the local county clerk. Withdrawal deadline elapses at 4:00 p.m. on May 2.

**By 4:00 p.m.,
May 13**

Precinct delegate candidates file an Affidavit of Identity for the August primary. Filing submitted to the clerk of the county, city or township in which candidate resides. Withdrawal deadline elapses at 4:00 p.m. on May 16.

**By 4:00 p.m.,
May 13**

Partisan and nonpartisan candidates (other than judicial candidates) file nominating petitions (or fees if applicable) and Affidavit of Identity for the August primary. (A partisan candidate who seeks a county office or the office of State Representative may file a \$100.00 filing fee in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on May 16.

**By 4:00 p.m.,
July 17**

District Library Board candidates who wish to seek office at the November 4 general election file an Affidavit of Identity and a nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) (Special note: If district library includes a school district, District Library Board candidates file by 4:00 p.m. on August 12.)

**By 4:00 p.m.,
July 17**

Candidates without political party affiliation who wish to seek a partisan office at the November 4 general election file an Affidavit of Identity and a qualifying petition. (A filing fee option is not available.) Withdrawal deadline elapses at 4:00 p.m. on July 21.

**By 4:00 p.m.,
July 25**

Write-in candidates other than write-in candidates who seek precinct delegate positions file Declaration of Intent forms for the August primary.

**By 4:00 p.m.,
August 1**

Write-in candidates who seek a precinct delegate position file Declaration of Intent form with city or township clerk for the August primary. (As an alternative, candidates for precinct delegate may file form with appropriate precinct board on election day before the close of the polls.) (Special note: There are no provisions of law which permit write-in candidates who seek a precinct delegate position to file a Declaration of Intent on the county level.)

**By 4:00 p.m.,
August 12**

Local School Board candidates, Community College Trustee candidates and District Library Board candidates who wish to seek office at the November 4 general election file an Affidavit of Identity and a nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on August 15. (Special notes: If district library does not include a school district, District Library Board candidates file by 4:00 p.m. on July 17. Candidates seeking a Wayne County Community College Trustee position file by 4:00 p.m. on May 13.)

**By 4:00 p.m.,
August 12**

Village candidates who wish to seek office at the November 4 general election file an Affidavit of Identity and a nonpartisan nominating petition. Withdrawal deadline elapses at 4:00 p.m. on August 15.

**By 4:00 p.m.,
October 24**

Write-in candidates file Declaration of Intent forms for the November general election.

-- Important Reminders --

Signature requirements: A chart which lists the petition signature requirements which are currently in effect is attached to this newsletter. (See *Petition Signature Requirement Chart*.) As noted on the chart, all petition signature requirements are now based on the population of the district involved.

Acceptance of U.S. House and State House filings on county level: A candidate who seeks a U.S. House or State House seat in a district which is wholly contained within a single county files with the local county clerk; a candidate who seeks a U.S. House or State House seat in a multi-county district must file on the state level.

Petition forms: It merits note that the partisan nominating petition form (used by candidates to seek partisan offices), the qualifying petition form (used by candidates without political party affiliation to seek partisan offices) and the nonpartisan nominating petition form (used by nonpartisan candidates to seek nonpartisan offices) are three different forms. All three petition forms are available from commercial suppliers. While county and local clerks must stock the petition forms for distribution to candidates, candidates who are in need of a large quantity of petitions can be directed to the commercial suppliers who market the forms.

Public availability of filings: All candidate filings are public information as soon as they are submitted. Honor all copy requests as soon as possible.

Affidavit of Identity/Post Election Campaign Finance Compliance Statement Forms Revised

The campaign finance compliance statement which appears on both the Affidavit of Identity form and the Post-Election Campaign Finance Compliance Statement form has been reformatted for greater clarity. The revision has been forwarded to the vendors who market election forms in the state.

The versions of the two forms which have been in use up to this date can be distributed until your supplies of the forms are exhausted. Candidates who have filed the old versions of the forms do not have to refile.

Examples of the revised forms can be accessed on the Department of State's website www.michigan.gov/sos. To locate the forms, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Publications and Forms."

It merits note that as the campaign finance compliance statement does not appear on the Affidavit of Identity form specially designed for use by precinct delegates, the Precinct Delegate Affidavit of Identity form has not been changed in any way.

Reminder: Deadline for Submitting Presidential Primary Reimbursement Claim Forms Elapses April 14

Please be reminded that the deadline for submitting a claim for the costs you incurred in administering the presidential primary elapses on Monday, April 14.

The forms needed to submit a reimbursement claim for administering the presidential primary were distributed by mail in late January. If you have a need for replacement forms, they can be accessed through the Department of State's website www.Michigan.gov/sos. (To access the forms, click on "Elections in Michigan." On the Elections in Michigan page, click on "Information for Election Administrators.") The online forms are in an updatable PDF format. As an alternative, arrangements for receiving replacement forms by fax or mail can be made by contacting the Michigan Department of State's Bureau of Elections.

Receipting Ballot Proposal Sponsors for a Petition Filing

When accepting a petition filing from a ballot proposal sponsor, it is important to issue a receipt to the petition sponsor which fully documents the filing to avoid disputes and forestall misunderstandings over the filing. Including the following items on the receipt is recommended:

- Date of petition filing.
- Filer's name, address, phone number and email.
- Type of petition and the minimum number of valid signatures required on the petition.
- Number of petition sheets included in the filing.
- Number of signatures included in the filing. (Use actual count if possible. If an actual count is not used, use estimate provided by the filer.)
- Signature of person issuing receipt.
- Signature of filer.

After completing the receipt, time stamp it and issue the original to the filer. Keep multiple photocopies of the receipt for your records.

Election Resources Available on Department's Website

A wide variety of election related information and materials can be accessed through the Department's website www.michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators." The information and materials currently available on the website include the following:

- Michigan election law.
- May 6, 2008 election date calendar.
- May 6, 2008 Voter Information Poster (English and Spanish).
- August/November election date calendar.
- Provisional balloting implementation materials.
- Election inspector training materials.
- Michigan voter identification requirement implementation materials.
- AutoMARK implementation materials.
- Archives of previous issues of *Election News* and *News You Can Use*.

Have a Question or Need Assistance?
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If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State's Bureau of Elections. We will be happy to assist in any way possible!

Mailing address: Michigan Department of State
Bureau of Elections
PO Box 20126
Lansing, MI 48901-0726

Phone: (517) 373-2540

Email: elections@michigan.gov

Fax: (517) 373-0941



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

Order Form
-- May 6 Election Materials --

Return form via mail or fax to Ruth Lee, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Fax: (517) 373-0941.

Jurisdiction name: _____

Date: _____ **Submitted by:** _____

Mailing address for supplies: _____

Item

Quantity

Voter information posters*: _____

**Voter information in audio format
(Cassette tape):** _____

Braille version of voter information: _____

Thank you!

* As an alternative, the voter information posters can be printed from the Bureau's website.



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

April 8, 2008

PETITION SIGNATURE REQUIREMENT CHART
-- 2008 Election Cycle --

The following “population based” signature requirements apply to all state offices, judicial offices, county offices (including county commissioner), township offices (including offices elected in charter townships), city offices (unless otherwise set by charter) and village offices (unless otherwise set by charter). See notes following chart for information on petition signature requirements established for candidates who seek school board positions; intermediate school board positions; community college trustee positions; district library board positions; and city, township and village library board positions.

	Partisan Petition		Non Partisan Petition		Qualifying Petition	
Population	Min	Max	Min	Max	Min	Max
0 - 9,999	3	10	6	20	9	30
10,000 - 24,999	20	50	40	100	60	150
25,000 - 49,999	50	100	100	200	150	300
50,000 - 74,999	100	200	200	400	300	600
75,000 - 99,999	200	400	400	800	600	1,200
100,000 - 199,999	300	500	600	1,000	900	1,500
200,000 - 499,999	500	1,000	1,000	2,000	1,500	3,000
500,000 - 999,999	1,000	2,000	2,000	4,000	3,000	6,000
1,000,000 - 1,999,999	2,000	4,000	4,000	8,000	6,000	12,000
2,000,000 - 4,999,999	4,000	8,000	6,200	12,000	12,000	24,000
Over 5 million (statewide)	15,000	30,000	30,000	60,000	30,000	60,000

- 1) ***State House and county level positions:*** Republican and Democratic candidates who seek the office of State Representative or a county office may file a \$100.00 fee in lieu of a nominating petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- 2) ***Judicial positions:*** A judicial officer who is running for reelection to the office he or she holds may file an Affidavit of Candidacy in lieu of a nominating petition.
- 3) ***Statewide positions:*** In addition to containing the requisite number of valid signatures, a qualifying petition filed for the office of Governor, Secretary of State, Attorney General, U.S. Senator, State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor or Supreme Court Justice must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.
- 4) ***County commissioner positions:*** The “population based” signature requirements listed in the above chart apply to candidates who seek the office of county commissioner. Candidates seeking the office of county commissioner may file a \$100.00 fee in lieu of a petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- 5) ***School board/intermediate school board positions:*** Local school board and intermediate school board candidates are required to meet the filing requirements list below (MCL 168.303 as added under PA 302 of 2003):
 - ***District with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***District with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 6) ***Community college trustee positions:*** In a community college district organized by an intermediate school district of over 1.5 million, the minimum number of valid signatures required is 250. A candidate may not file more than 500 signatures to cover the requirement. (MCL 389.83)

In all other community college districts, the following signature requirements apply (MCL 389.152 as amended under PA 62 of 2005):

- ***Community college district with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.

- ***Community college district with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 7) ***District library board positions:*** The following signature requirements apply to district library board candidates (MCL 397.181 as amended under PA 159 of 2002):
- ***District with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***District with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 8) ***City, township and village library board positions:*** The following signature requirements apply to city, township and village library board candidates (MCL 397.211 as amended under PA 160 of 2002):
- ***Cities, townships and villages with less than 10,000 in population:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***Cities, townships and villages with 10,000 or more in population:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 9) ***Qualifying petitions:*** All signatures submitted on a qualifying petition must have been collected within the preceding 180-day period; signatures which are dated more than 180 days prior to the date of the petition is filed are invalid.